

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

TARIK BLACKWELL,	)	
	)	
Plaintiff,	)	Civil Action No. 3:14-CV-102
	)	
vs.	)	
	)	
DIVERSIFIED CONSULTANTS, INC.,	)	<b>DEFENDANT’S, DIVERSIFIED</b>
	)	<b>CONSULTANTS, INC., ANSWER</b>
Defendant.	)	<b>TO COMPLAINT</b>
	)	
_____	)	

COMES NOW, Defendant, Diversified Consultants, Inc. (“Defendant”), by and through its attorneys, as and for its Answer to the Complaint of Plaintiff, Tarik Blackwell (“Plaintiff”), hereby states as follows:

**PRELIMINARY STATEMENT**

1. Defendant admits that Plaintiff purports to bring an action alleging violations of the Fair Debt Collection Practices Act (“FDCPA”) and the North Carolina Collection Agency Act (“NCAA”). However, Defendant denies that Plaintiff has a valid basis for doing so. To the extent that a further response is required, Defendant denies the allegations set forth in paragraph 1 of the Complaint.

**JURISDICTION AND VENUE**

2. The allegations set forth in paragraph 2 of the Complaint state a legal conclusion to which no response from Defendant is required. To the extent that a response is required, Defendant denies the allegations set forth in paragraph 2 of the Complaint.

## **PARTIES**

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Complaint. Therefore, said allegations are denied.

4. The allegations set forth in paragraph 4 of the Complaint state a legal conclusion to which no response from Defendant is required. To the extent that a response is required, Defendant denies the allegations set forth in paragraph 4 of the Complaint.

5. The allegations set forth in paragraph 5 of the Complaint state a legal conclusion to which no response from Defendant is required. To the extent that a response is required, Defendant denies the allegations set forth in paragraph 5 of the Complaint.

6. The allegations set forth in paragraph 6 of the Complaint state a legal conclusion to which no response from Defendant is required. To the extent that a response is required, Defendant denies the allegations set forth in paragraph 6 of the Complaint.

7. Defendant admits the allegations set forth in paragraph 7 of the Complaint.

## **COUNT I** **(Violation of the Fair Debt Collection Practices Act)**

8. Defendant admits that it attempted to contact Plaintiff in 2013, on behalf of its client, in an attempt to collect a past due balance due and owing. To the extent that a further response is required, Defendant denies the allegations set forth in paragraph 8 of the Complaint.

9. Defendant denies the allegations set forth in paragraph 9 of the Complaint.

10. Defendant denies the allegations set forth in paragraph 10 of the Complaint, and all of its subparts.

11. Defendant denies the allegations set forth in paragraph 11 of the Complaint.

**COUNT II**  
**(Violation of the North Carolina Collection Agency Act)**

12. Defendant repeats and realleges its responses to the previous paragraphs as if set forth at length herein.

13. Defendant denies the allegations set forth in paragraph 13 of the Complaint, and all of its subparts.

14. Defendant denies the allegations set forth in paragraph 14 of the Complaint.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims are or may be barred by applicable Statutes of Limitations.

**THIRD AFFIRMATIVE DEFENSE**

Defendant did not breach any legal duty to Plaintiff.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are, or may be, barred or diminished by Defendant's right to setoff and/or recoupment arising from defaults, deficiencies or otherwise.

**FIFTH AFFIRMATIVE DEFENSE**

Defendant is not liable for any actions of its agents or employees committed outside of the line and scope of their employment.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are preempted by the Fair Credit Reporting Act.

**SEVENTH AFFIRMATIVE DEFENSE**

Defendant has no civil liability under the FDCPA or the NCAA as any violation was an unintentional, bona fide error and occurred despite the maintenance of procedures reasonably adapted to avoid such violation.

**EIGHTH AFFIRMATIVE DEFENSE**

Defendant reserves the right to allege and assert any additional and/or further affirmative defenses as become apparent to Defendant during the course of this litigation.

**WHEREFORE**, Defendant, Diversified Consultants, Inc., having answered Plaintiff's Complaint completely, respectfully requests that judgment be entered in its favor and against Plaintiff dismissing the Complaint with prejudice and awarding Defendant costs, attorneys' fees, and such other and further relief as the Court deems just and proper.

Respectfully submitted this 7<sup>th</sup> day of April 2014.

/s/ Patrick D. Sarsfield II  
Patrick D. Sarsfield II (N.C. Bar No. 20104)  
Brooks F. Bossong (N.C. Bar No. 19823)  
NEXSEN PRUET, LLC  
227 West Trade Street, Suite 1550  
Charlotte, North Carolina 28202  
Telephone No.: (704) 338-5305  
Facsimile No.: (704) 805-4715  
[PSarsfield@nexsenpruet.com](mailto:PSarsfield@nexsenpruet.com)  
[BBossong@nexsenpruet.com](mailto:BBossong@nexsenpruet.com)  
Counsel for Diversified Consultants, Inc.

### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **DEFENDANT'S, DIVERSIFIED CONSULTANTS, INC., ANSWER TO COMPLAINT** with the Clerk of Court using the CM/ECF system and served the foregoing via electronic filing on:

Mitchel E. Luxenburg  
Luxenburg & Levin, LLC  
Attorney for Plaintiff  
23875 Commerce Park, Suite 105  
Beachwood, OH 44122  
(888) 493-0770, ext. 301 (phone)  
(866) 551-7791 (facsimile)  
[Mitch@LuxenburgLevin.com](mailto:Mitch@LuxenburgLevin.com)

This 7<sup>th</sup> day of April, 2014.

/s/ Patrick D. Sarsfield II  
Patrick D. Sarsfield II (N.C. Bar No. 20104)  
Brooks F. Bossong (N.C. Bar No. 19823)  
NEXSEN PRUET, LLC  
227 West Trade Street, Suite 1550  
Charlotte, North Carolina 28202  
Telephone No.: (704) 338-5305  
Facsimile No.: (704) 805-4715  
[PSarsfield@nexsenpruet.com](mailto:PSarsfield@nexsenpruet.com)  
[BBossong@nexsenpruet.com](mailto:BBossong@nexsenpruet.com)  
Counsel for Diversified Consultants, Inc.